



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING DEPARTMENT HEARING**

*Promoting the wise use of land*

<b>MEETING DATE</b> January 17, 2014	<b>CONTACT/PHONE</b> Schani Siong (805) 781-4374 ssiong@co.slo.ca.us	<b>APPLICANT</b> Jerry Taft	<b>FILE NO.</b> COAL 13-0058 SUB2013-00023
<b>SUBJECT</b> Hearing to consider a request by Jerry Taft for a Lot Line Adjustment (COAL 13-0058) to adjust the lot lines between two parcels of approximately 172.73 and 136.57 acres each. The adjustment will result in two parcels of approximately 96.46 and 212.84 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Rural Lands land use category and is located at 10125 Santa Clara Road, approximately 1000 feet east of the intersection of Santa Clara Road and Rocky Canyon Truck Trail, adjacent to and southeast of the City of Atascadero. The site is in the El Pomar-Estrella planning area.			
<b>RECOMMENDED ACTION</b> Approve Lot Line Adjustment COAL 13-0058 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 5 Categorical Exemption was issued on December 24, 2013 (ED13-120).			
<b>LAND USE CATEGORY</b> Rural Lands	<b>COMBINING DESIGNATION</b> Flood Hazard, Extractive Resource Area	<b>ASSESSOR PARCEL NUMBER</b> 034-434-006, 007, 011 & 014	<b>SUPERVISOR DISTRICT(S)</b> 5
<b>PLANNING AREA STANDARDS:</b> 22.94.040 El Pomar-Estrella Planning Area, Atascadero Planning Impact Area			
<b>LAND USE ORDINANCE STANDARDS:</b> 22.14.050 Extractive Resource Area ; 22.014.060 Flood Hazard Areas; 22.22.050 Subdivision Design, Rural Lands land use category			
<b>EXISTING USES:</b> Single-family residence, dry farming			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Rural Lands, vacant, undeveloped land East: Rural Lands, vacant, undeveloped land South: Rural Lands, agriculture, dry farming West: Agriculture, agriculture, dry farming			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Public Works, Environmental Health, City of Atascadero, Santa Margarita Advisory Council			
<b>TOPOGRAPHY:</b> Moderate slopes		<b>VEGETATION:</b> grasses, ornamentals, oak trees	
<b>PROPOSED SERVICES:</b> Water supply: Individual well system Sewage Disposal: Individual septic system Fire Protection: CAL FIRE		<b>ACCEPTANCE DATE:</b> November 18, 2013	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

**ORDINANCE COMPLIANCE:**

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

<b>EXISTING LOT SIZES (ACRES)</b>	<b>ADJUSTED PARCEL SIZES (ACRES)</b>
172.73 acres	96.46 acres
136.57 acres	212.84 acres

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The proposed lot line adjustment will follow the natural site features of a wooded valley that bisects Parcel 1. There is an existing single family residence located on Parcel 1. Both Parcel 1 and Parcel 2 the parcels are vacant and used for grazing. The proposed lot line adjustment will allow the owners to retain the homestead on Parcel 1 and sell Parcel 2 in the future.

Southern portions of Parcel 2 are located within the Flood Hazard Area; Eastern portions of Parcel 2 are located within the Extractive Resource Area. The proposed lot line adjustment does not create additional parcels or increase development potential from what exists today. Therefore, staff concludes that the proposed lot line configuration will better reflect the topography and is equal to or better than the existing situation.

**MINIMUM LOT SIZE**

Section 22.22.050 of the Land Use Ordinance for Rural Lands establishes the minimum parcel size for new lots based upon three tests: remoteness, fire response times, access and slope. The minimum parcel size allowed in the Rural Lands land use category based upon the above tests is 80 acres. Both parcels are legal conforming to the minimum parcel size as defined the Section 22.22.050 and will remain so after the proposed lot line adjustment.

**ACCESS**

The parcel(s) do not have frontage on a public road. In order to assure access, the adjusted parcel(s) must be provided access from a road by the recordation of either Offer(s) of Dedication or Declaration(s) of Restrictive Covenant. This requirement is reflected in the conditions of approval.

**ENVIRONMENTAL**

Parcel 1 has an existing single family residence and Parcel 2 is currently undeveloped. The proposed lot line configuration would allow future development to be located away from the flood hazard area and the extractive resource area.

The project qualifies for a Categorical Exemption (Class Five) pursuant to CEQA Guidelines 15305 because the proposed project is a minor adjustment of land. Some of the key environmental issues are discussed below:

Flood Hazard. The Flood Hazard combining designation is applied to areas where terrain characteristics would present new developments and their user with potential hazards from potential to life and property from potential inundation by a 100-year frequency. Standards are intended to minimize flood the effects of development on drainage ways and watercourses.

The current lot line configuration includes areas within the flood hazard area. The proposed lot line configuration (for Parcel 2) would create a more desirable area for future development away from the flood hazard area and a woodland area.

Extractive Resource Area (EX1). The portions of Parcel 2 are located within the Extractive Resource Area (EX1) combining designation. The Inland Framework for Planning states that the purpose of the EX designation is to:

1. To identify lands which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits;
2. To notify landowners and the general public of the presence or high likelihood of significant mineral deposits;
3. To emphasize the conservation and development of the mineral deposits identified by the Division of Mines and Geology, provided that a high level of environmental quality is also preserved and protected through the discretionary approval process.

Title 22, Section 22.14.050 Extractive Resource Area (EX1) combining designation is to protect existing resource extraction operation from encroachment by incompatible land uses that could hinder resource extraction. The following standards apply to proposed land uses within EX1 combining designation which are required to have Minor Use Permit or Conditional Use Permit approval by Section 22.06.030 or by planning standards in Article 9.

1. All proposed mineral or petroleum extraction uses are subject to the requirements of Section 22.14.040;
2. Approval of any use other than mineral resource extraction may be granted only when the finding is made that the proposed use will not adversely affect the continuing operation or expansion of a mineral resource extraction use.

The proposed lot line adjustment would be subject to the above permit requirements. No development had been proposed. The proposed lot line configuration (for Parcel 2) would create a more desirable area for future development away from the extractive resource area. However, future development would be required to meet the permit and finding requirements for the EX1 combining designation. If findings cannot be made then development shall not be allowed at that time.

#### **SB 497**

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because both parcel sizes are above the minimum parcel size as set through the General Plan and both of the two adjusted parcels will remain so after the adjustment, staff has

concluded that the proposed adjustment is equal to the existing lot line situation and is also consistent with both state and local law.

**EI- Pomar Estrella Area: City of Atascadero Planning Impact Area**

The proposed lot line adjustment falls within the City of Atascadero Planning Impact Area and has been referred to the City of Atascadero for review and comment. The potential impacts associated with and that include, water quantity and quality, drainage, erosion and sedimentation, traffic and circulation, public safety, and cumulative impacts have been considered as part of the environmental review process.

**COMMUNITY ADVISORY GROUP COMMENTS:**

Santa Margarita Advisory Council – No comments submitted

**AGENCY REVIEW:**

Public Works – No significant concerns identified; easement required for access Parcel 1;  
Environmental Health – No concerns as proposed;  
City of Atascadero – No comments submitted.

**LEGAL LOT STATUS:**

One of the two existing parcels is a portion of Sections 31 and 32 of Township 28 South, Range 13 East, and was legally created by deed at a time when that was a legal method of creating parcels (Volume 1587 of Official Records, Page 418). APNs: 034-434-006 and -007 are together one legal parcel.

One of the two existing parcels is a portion of Sections 31 and 32 of Township 28 South, Range 13 East, and was legally created by deed at a time when that was a legal method of creating parcels, and certificate of compliance C83-0005, Parcel 4 was issued and recorded on May 24, 1983 (Book 2488 of Official Records, Pages 651 and 652). APNs: 034-434-011 and -014 are together one legal parcel.

Staff report prepared by Schani Siong and reviewed by Holly Phipps and Bill Robeson.